

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 4, 1971  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Butler presiding.

## Roll call:

Present: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,  
Mayor Butler  
Absent: Councilman Friedman

The Invocation was delivered by REVEREND JAMES A. MAHON, First Presbyterian Church.

## APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of October 28, 1971. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,  
Mayor Butler  
Noes: None  
Absent: Councilman Friedman

## ZONING HEARINGS

The Mayor announced it was 10:00 A.M., and the Council would hear the zoning cases scheduled for public hearing at this time. The Director of Planning reviewed each case, locating them in the area, describing the uses of surrounding properties, and adequacy of streets;

JOHN D. BYRAM	8018-8024 Shoal Creek	From "O" Office
By Tom Martine	Boulevard	To "LR" Local Retail
C14-71-228		RECOMMENDED by the Planning Commission

Councilman Dryden moved that the change be granted to "LR" Local Retail as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,  
Mayor Butler  
Noes: None  
Absent: Councilman Friedman

The Mayor announced that the change had been granted to "LR" Local Retail as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

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DUPLEX ADVERTISING  
COMPANY  
By Johnson, Jones,  
and Sheppard  
C14-71-232

1134 Airport Blvd.

From "C" Commercial  
To "C-2" Commercial  
RECOMMENDED by the  
Planning Commission

Councilman Nichols moved the change be granted to "C-2" Commercial as recommended by the Planning Commission. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,  
Mayor Butler  
Noes: None  
Absent: Councilman Friedman

The Mayor announced that the change had been granted to "C-2" Commercial, and the City Attorney was instructed to draw the necessary ordinance to cover.

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TOMGRO, INC.  
By Paul Jones  
C14-71-234

1313 Montopolis  
Drive

From "GR" General Retail  
To "C-2" Commercial  
RECOMMENDED by the  
Planning Commission

Councilman Nichols moved the change be granted to "C-2" Commercial as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,  
Mayor Butler  
Noes: None  
Absent: Councilman Friedman

The Mayor announced that the change had been granted to "C-2" Commercial, and the City Attorney was instructed to draw the necessary ordinance to cover.

J. D. CULP  
By Steve Price  
C14-71-241

753 Montopolis  
Drive

From "C" Commercial  
To "C-2" Commercial  
RECOMMENDED by the  
Planning Commission

Councilman Love moved the change be granted to "C-2" Commercial as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,  
Mayor Butler  
Noes: None  
Absent: Councilman Friedman

The Mayor announced that the change had been granted to "C-2" Commercial, and the City Attorney was instructed to draw the necessary ordinance to cover.

JERRY WALLACE  
By Thomas Watts  
C14-71-242

Rear of 9809-9909  
Parkfield Drive

From "LR" Local Retail  
To "BB" Residence  
RECOMMENDED by the  
Planning Commission

Councilman Nichols moved the change be granted to "BB" Residence as recommended by the Planning Commission, The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,  
Mayor Butler  
Noes: None  
Absent: Councilman Friedman

The Mayor announced that the change had been granted to "BB" Residence, and the City Attorney was instructed to draw the necessary ordinance to cover.

HOWARD JOHNSON'S  
MOTOR LODGE  
By Robert Sneed  
C14-71-243

7800 No. IH 35

From "C" Commercial,  
Fifth Height and Area  
To "C-2" Commercial,  
Fifth Height and Area  
RECOMMENDED by the  
Planning Commission

Councilman Love moved the change be granted to "C-2" Commercial, Fifth Height and Area District as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

- Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox, Mayor Butler
- Noes: None
- Absent: Councilman Friedman

The Mayor announced that the change had been granted to "C-2" Commercial, Fifth Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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HOWARD STEVENS  
By John Selman  
C14-71-249

4413-4415 Ave. B  
305-307 W. 45th St.

From "A" Residence  
To "B" Residence  
RECOMMENDED by the  
Planning Commission

Mr. Alexander, Assistant Director of Planning, gave the recommendation of the staff in that either a 25' right of way or a 45' easement be required if granted. Mr. John Selman, representing the applicant, stated this was not included in the Planning Commission's recommendation. There being no opposition, Councilman Love, after discussion, moved the change be granted to "B" Residence as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

- Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox, Mayor Butler
- Noes: None
- Absent: Councilman Friedman

The Mayor announced that the change had been granted to "B" Residence, and the City Attorney was instructed to draw the necessary ordinance to cover.

Councilman Friedman entered the Council meeting at this time.

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MRS. KATHERINE GOERTZ  
By Bob Bailey  
C14-71-226

5601 Roosevelt Ave.  
5600 Grover Ave.

From "A" Residence  
To "B" Residence  
RECOMMENDED by the  
Planning Commission  
subject to 7 1/2' of  
r-o-w on Grover Ave.

Councilman Nichols moved the change be granted to "B" Residence as recommended by the Planning Commission subject to 7 1/2' of r-o-w on Grover Ave. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,  
Mayor Butler

Noes: None

Present, but not voting: Councilman Friedman

The Mayor announced that the change had been granted to "B" Residence subject to 7 1/2' of r-o-w on Grover Ave., and the City Attorney was instructed to draw the necessary ordinance to cover.

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JESSE E. SKRIVANEK,  
ET AL  
By John Selman  
C14-71-229

1401-1407 E. 38 1/2 St.  
3704-3714 Clarkson Ave.

From "A" Residence  
To "O" Office  
RECOMMENDED by the  
Planning Commission  
subject to 5' r-o-w on  
38 1/2 St. and 10' r-o-  
w on Clarkson.

Councilman Nichols moved the change be granted to "O" Office as recommend- ed by the Planning Commission subject to 5' r-o-w on 38 1/2 St. and 10' r-o-w on Clarkson. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,  
Mayor Butler

Noes: None

Present, but not voting: Councilman Friedman

The Mayor announced that the change had been granted to "O" Office subject to 5' r-o-w on 38 1/2 St. and 10' r-o-w on Clarkson, and the City Attorney was instructed to draw the necessary ordinance to cover.

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HARRY GARNER, ET UX  
By Raymond Campi  
C14-71-230

101-103 E. 31st St.  
3001-3011 University  
Avenue

From "B" Residence,  
Second Height and Area  
To "B" Residence,  
Third Height and Area  
RECOMMENDED by the  
Planning Commission  
subject to 15' r-o-w on  
E. 30th St.

Councilman Nichols moved the change be granted to "B" Residence, Third Height and Area District as recommended by the Planning Commission subject to 15' r-o-w on E. 30th St. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler  
Noes: None

The Mayor announced that the change had been granted to "B" Residence, Third Height and Area District subject to 15' r-o-w on E. 30th St., and the City Attorney was instructed to draw the necessary ordinance to cover.

RUNDBERG LANE  
PROPERTIES  
By Hale and Associates  
C14-71-231

Rear of 502-602  
Rundberg Lane

From "B" Residence  
- Tracts 1 & 2  
"BB" Residence  
- Tracts 3 & 4  
To "O" Office  
- Tracts 1 & 4  
"GR" General Retail  
- Tract 2  
"B" Residence  
- Tract 3  
RECOMMENDED by the  
Planning Commission  
subject to recorded  
subdivision, except on  
Tract 1 with property to  
the east.

Councilman Nichols moved the change be granted to "O" Office in Tracts 1 and 4, "GR" General Retail in Tract 2, and "B" Residence in Tract 3 as recommended by the Planning Commission subject to recorded subdivision, except on Tract 1 with property to the east, and to include the lengthy statement of clarification by applicant as read by the Assistant Director of Planning, which follows:

The applicant would like for the motion to be more specific and to allow him to record the subject property in two separate subdivisions - Tracts 1, 3 and 4 to be in "Turtle Creek, Section 1" (presently filed with the Planning Department) and the area bounded by Chenault Parkway north property line of Tract 2, east property line of Tract 2 and its southerly extension to Rundberg Lane and Rundberg Lane, plus the Tract of land containing approximately 2.9 acres of land, east of Tract 2 and fronting I.H. 35 to be in a separate subdivision.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler  
Noes: None

The Mayor announced that the change had been granted to "O" Office in Tracts 1 & 4, "GR" General Retail in Tract 2, and "B" Residence in Tract 3 subject to a recorded subdivision, except on Tract 1 with property to the east, to include the lengthy statement of clarification by applicant as read by the Assistant Director of Planning, and the City Attorney was instructed to draw the necessary ordinance to cover.

Councilman Dryden stated it would be most helpful to the Council and him in the future if the streets would be specified east or west.

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DARDEN AND HETHERLY  
By Richard Baker  
C14-71-237

8305 Shoal Creek  
Boulevard

From "O" Office  
To "GR" General Retail  
as amended RECOMMENDED  
by the Planning Commission  
as amended to the  
area of the sign only,  
subject to a restrictive  
covenant to revert to  
"O" Office if the use  
for a sign is discontinued.

Mr. Robert Davis represented the applicants.

Councilman Nichols moved the change be granted as amended as recommended by the Planning Commission as amended to the area of the sign only, subject to a restrictive covenant to revert to "O" Office if the use for a sign is discontinued. The motion, seconded by Councilman Dryden, carried by the following vote:

- Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox, Mayor Butler
- Noes: None

The Mayor announced that the change had been granted to "GR" General Retail as amended to the area of the sign only, subject to a restrictive covenant to revert to "O" Office if the use for sign is discontinued, and the City Attorney was instructed to draw the necessary to cover.

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HOWARD STEVENS  
By John Selman  
C14-71-247

4305 Marathon  
Boulevard

From "A" Residence  
To "O" Office  
RECOMMENDED by the  
Planning Commission  
subject to 5' r-o-w on  
Marathon.

Councilman Nichols moved the change be granted to "O" Office as recommended by the Planning Commission subject to 5' r-o-w on Marathon. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler

Noes: None

The Mayor announced that the change had been granted to "O" Office as recommended by the Planning Commission subject to 5' r-o-w on Marathon, and the City Attorney was instructed to draw the necessary ordinance to cover.

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AUSTIN TEACHERS  
FEDERAL CREDIT UNION  
By Arthur Amundson  
C14-71-149

602 Denson Dr.

From "A" Residence  
To "O" Office  
NOT Recommended by the  
Planning Commission

Mr. John Selman described the area, in that the adjacent lot was zoned in 1965, and the applicants are now asking for the zoning of 602 Denson. Since 1965, the Credit Union had increased greatly in members, and they plan to build a \$75,000 building. He suggested that a restrictive covenant be entered into in that if the Credit Union defaulted in this, that the property would revert to "A" Residence. Councilman Dryden stated that rather than reverting back, the rest of the area would probably redevelop.

Councilman Nichols moved the change be granted to "O" Office, First Height and Area on the subject property (602 Denson Drive). The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman,  
Mayor Butler

Noes: Councilman Handcox (He felt that this was an intrusion into a residential neighborhood.)

The Mayor announced that the change had been granted to "O" Office, First Height and Area District on the subject property (602 Denson Drive) (No restrictive covenant required), and the City Attorney was instructed to draw the necessary ordinance to cover.

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ESTATE OF J. D.  
YOUNG  
By W. L. Wheelock  
C14-71-227

1901- 1905 Kinney  
Avenue

From "A" Residence  
To "B" Residence  
NOT Recommended by the  
Planning Commission  
RRECOMMENDED "BB" Resi-  
dence

Mr. W. L. Wheelock represented the applicants, noting this zoning would be consistent with that of the area. The homes, built in 1930-1945 in the \$8,000-\$15,000 bracket, are deteriorating. It was calculated that "BB" Residence would accomodate 35 one bedroom units; "B" Residence would permit 64 units. After discussion, Councilman Nichols moved the change be granted to "BB" Residence as recommended by the Planning Commission.

The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox, Mayor Butler  
Noes: None

The Mayor announced that the change had been granted to "BB" Residence, and the City Attorney was instructed to draw the necessary ordinance to cover.

Councilman Dryden stated Mr. John Hughes had called him and wanted to go on record as objecting to the apartments as creating congestion and traffic. Mr. Louis Dannelly inquired about tax evaluation of their property in relation to this zoning request. Councilman Nichols stated an increase of evaluation would not occur on their property as a result of this installation.

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JACK THOMASON  
By John Selman  
C14-71-245

501-603 Deen Ave.

From "A" Residence  
To "B" Residence  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "BB" Residence subject to 5' r-o-w on Deen Ave.

Councilman Nichols moved the change be granted to "BB" Residence subject to 5' r-o-w on Deen Ave. as recommended by the Planning Commission. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Friedman, Mayor Butler  
Noes: None  
Not in Council Room when Roll was called: Councilmen Handcox and Lebermann

The Mayor announced that the change had been granted to "BB" Residence subject to 5' r-o-w on Deen Ave, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zonings Denied

CARL ALBRECHT  
C14-71-225

2207 Willow St.

From "A" Residence  
To "GR" General Retail  
NOT Recommended by the  
Planning Commission

Councilman Nichols moved the change to "GR" General Retail be denied.  
The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler

Noes: None

The Mayor announced that the change to "GR" General Retail had been denied.

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HARRIET BUXKEMPER  
& CHARLES FERGUSON  
et al  
C14-71-236

1501-1511 Betty Jo  
1500-1514 Betty Jo  
1206 Regan Terrace  
1205-1207 Regan Ter.

From "A" Residence  
To "AA" Residence  
NOT Recommended by the  
Planning Commission

Mrs. Buxkemper, spokesman, stated the request was for "AA" Residence zoning, in this strictly single family area. Petitions to roll back the zoning were signed by 90% of the property owners. Their concern was the subdividing of the original two lots into three lots, not included in deed restrictions of this Parkinson Place, No. I. There are plans to build duplexes on these three lots, and the owners of the rest of the subdivision do not want this kind of development in their deed-restricted subdivision. The home owners would be providing the avenue of approach to this commercial venture of duplexes. Mr. Jim Koehn; Mr. Charles Ferguson, 1512 Betty Jo Drive, along with Mrs. Harriet Buxkemper, urged the rezoning to "AA" as duplexes would add at least 12 cars, which would endanger the safety of the children; and every service truck, car, and motorcycle would pass by their homes en route to the duplexes; and also noted people are moving out of the inner City because of destruction and deteriorating of the beauty and livability of the fine City.

Mrs. Tegge, Sunnyvale, was satisfied with the Planning Commission vote to leave her property "A" Residence, as she purchased the land to build duplexes. In May, 1971, her subdivision plat was filed, complying with all pertinent standards and minimum requirements. She had engaged architects and several builders to build beautiful structures to fit the contour of the land. Her investment would be large, and the rental would be in a high rental scale. If her property were rolled back, it would be a financial loss to her. Mr. Edgar James, Architect for Mrs. Tegge, described briefly the development, and stated the rent schedule ranged from \$280 to \$300 a month.

Councilman Love moved that the request to roll back to "AA" Residence be granted.

Councilman Friedman was concerned over the kind of precedent the Council would be setting by taking someone else's land and rolling it back, and he did not think it was incumbent on this Council to stand in this posture.

The Council discussed this zoning in lengthy detail. Roll call on Councilman Love's motion, Councilman Dryden's second, was as follows:

Ayes: Councilmen Dryden, Love, Lebermann, Handcox, Mayor Butler  
Noes: Councilmen Nichols and Friedman

The Mayor announced that the motion lost as there was a required six in favor vote, to overrule the recommendation of the Planning Commission.

Zonings Withdrawn

JAMES YOUNGQUIST  
By John Selman  
C14-71-246

2110-2204 Tillery  
Street

From "BB" Residence  
To "O" Office - Tract 1  
"C" Commercial - Tract

2

NOT Recommended by the  
Planning Commission

Councilman Nichols moved that the above zoning change be withdrawn. The Motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler

Noes: None

Not in Council Room when Roll was called: Councilman Dryden

The Mayor announced that the zoning change had been withdrawn.

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AUSTIN TEXAS  
CONGREGATION OF  
JEHOVAHS' WITNESSES  
By Roy Oatman  
C14-71-198

5611 Clay Ave.

From "A" Residence  
To "O" Office  
NOT Recommended by the  
Planning Commission

Mr. Don Baker represented the applicant. After discussion, Mr. Baker suggested that he withdraw the application until he could bring back definite information as to how the property might be used specifically. Councilman Nichols moved the Council grant the withdrawal of this application, waiving the six months' waiting period before reapplying. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox, Mayor Butler  
Noes: None  
Not in Council Room when Roll was called: Councilman Friedman

The Mayor announced that the zoning change had been withdrawn and the six months' waiting period before reapplying waived.

Zoning Postponed

DRS. LOUIS BUCK            808-812 W. 29th St.  
& BOB EXLINE  
By Tom Cherry  
C14-71-233

From "B" Residence  
Second Height and Area  
To "GR" General Retail  
Second Height and Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "GR" General  
Retail, First Height and  
Area

Mr. Tom Cherry represented the applicants, stating the property was zoned Second Height and Area. The application called for "GR" General Retail, Second Height and Area, and the Commission recommended "GR" General Retail, First Height and Area, which would decrease the apartment use. No special use has been planned; and Mr. Cherry had advised the owners the best use would be designation of "GR" General Retail, Second Height and Area. After discussion, Mr. Cherry asked the Council for an indefinite postponement, leaving the property Second Height and Area; and if a retail use is desired, then they would come back and revalue it for "GR" General Retail, First Height and Area.

Councilman Dryden moved the Council grant an indefinite postponement on this zoning request. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler  
Noes: None

The Mayor announced that the zoning change had been granted an indefinite postponement.

RECOGNITION

Mayor Butler recognized Dr. F. R. Rice, Principal of Blackshear School.

ANNEXATION HEARING SET

Councilman Love moved the Council adopt a resolution setting a public hearing at 2:00 P.M., November 18, 1971, to consider annexing the following:

2.72 acres of land out of the Santiago Del Valle Grant - proposed SOUTH CREEK, SECTION 3. (requested by owners)

83.92 acres of land out of the Santiago Del Valle Grant - proposed SOUTH CREEK SECTION II and unplatted land. (initiated by City)

35.05 acres of land out of the Santiago Del Valle Grant - proposed INDIAN HILLS, SECTIONS 1 AND 2. (requested by owners)

43.00 acres, more or less, out of John Applegait Survey - unplatted land. (initiated by City)

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler

Noes: None

#### SALE OF STRUCTURES

Councilman Nichols moved the Council approve the sale of structures in Urban Renewal University East Project, Tex. R-103:

Parcel 19-2	Richard Andrewartha (former owner)	\$1,277.00
Parcel 28-2	Mrs. Helen Glasco Lee (former owner)	\$ 460.00

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler

Noes: None

#### HEARING SET - AMBULANCE FRANCHISE

Doyle Carter

Councilman Handcox moved the Council set a hearing on the application of Doyle Carter for an Ambulance Franchise on November 18, 1971, at 11:00 A.M. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler

Noes: None

#### PAYMENT TO AUSTIN TRANSIT AUTHORIZED

Councilman Handcox moved the Council adopt a resolution authorizing payment to Austin Transit Corporation for transit service during the months of August and September, 1971, in accordance with the existing contract. Total payment - \$31,867.51. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler  
Noes: None

RESIGNATION ACCEPTED  
Jack Goodman

Mayor Butler reported receipt of a letter from Mr. Jack Goodman, a long time member of the Planning Commission, giving his resignation from the Planning Commission because of a possible conflict of interest.

Councilman Nichols moved the Council accept his resignation with extreme regret and and pass on to him appreciation for his services. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler  
Noes: None

ZONING ORDINANCES

Final Passage

Mayor Butler introduced the following ordinance for its third and final reading:

AN ORDINANCE ORDERING A CHANGE IN HEIGHT AND AREA AND CHANGING THE HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 1,500 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 7138 U. S. HIGHWAY 290, FROM SIXTH HEIGHT AND AREA DISTRICT TO SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS. (Humble Oil & Refining Co. -- C14-71-207)

Councilman Love moved the Council finally pass the ordinance. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Nichols, Love, Handcox, Mayor Butler  
Noes: Councilmen Dryden, Lebermann, Friedman

The Mayor announced that the ordinance had been finally passed.

Three Readings

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

NORTHEAST 137 FEET X 48 FEET OF BLOCK 5, M. E. WHITTON SUBDIVISION, LOCALLY KNOWN AS 1201 WEST 34TH STREET, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (D. Ben Hibbetts -- C14-71-140)

Councilman Nichols moved the Council waive the requirements for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox, Mayor Butler  
Noes: None  
Present, but not voting: Councilman Friedman, as he was not present when this was discussed.

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCE AMENDED

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 690814-B, ENACTED BY THE CITY COUNCIL ON AUGUST 14, 1969, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY DESIGNATED AS TRACT 4 IN SAID ORDINANCE; SUSPENDING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox, Mayor Butler  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### LATER HOURS - SALE OF ALCOHOLIC BEVERAGES

Mayor Butler introduced the following ordinance for its second reading:

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF AUSTIN, 1967, ADDING THERETO A NEW SECTION PROVIDING FOR THE HOURS DURING WHICH THE SALE, CONSUMPTION OR POSSESSION OF BEER OR MIXED BEVERAGES IS PERMITTED; AND DECLARING AN EMERGENCY.

The ordinance was read for the second time, and Councilman Love moved that it be passed to its third reading. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Love, Friedman, Handcox, Mayor Butler  
Noes: Councilmen Dryden, Nichols, Lebermann

The Mayor announced the ordinance had been passed through its second reading.

Mr. Royal Masset, along with Miss Vicki Lowe, University "Y", Dr. Joe Truell, Mr. Ted Henderson, Mr. John Isom, and other spoke in strong opposition to the passage of this ordinance.

Councilman Handcox moved the Council instruct that the 3rd reading of this ordinance be listed on the Agenda for November 11th, subject to all Council members being present; otherwise, the item would automatically be delayed until the next Council meeting. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox, Mayor Butler  
Noes: None  
Not in Council Room when Roll was called: Councilman Friedman

#### CITIZENS' TRAFFIC SAFETY COMMITTEE

Mayor Butler recognized the Austin Citizens' Traffic Safety Committee and Mr. William Nolen, spokesman, stating in September, citizens affiliated with various service clubs discussed Austin's traffic safety. After considerable review of statistics pertaining to traffic fatalities, personal injuries, a sub-committee was appointed to draft recommendations to the City Council. He introduced a number of the members who were present. He reported nine fatalities occurred just recently, bringing the number from 28 to 37.

Mr. Nolen submitted the recommendations from the Committee, stating that a new Traffic Safety Commission be appointed, and charged with certain specific traffic responsibilities; and that the City Manager appoint an existing Department Head as a Traffic Safety Coordinator to serve as Executive Director of the Commission and to coordinate all City traffic activities. They recommend also that a Municipal Traffic Safety Advisory Board be appointed by the City Manager and with the Traffic Safety Coordinator as Chariman, and composed of the Municipal Judge and vital Department Heads. As to composition of membership, the Council would appoint the members, possible seven to nine.

Councilman Nichols moved the Council vote to institute this recommendation and set up this Traffic Safety Commission, the composition of which shall be nine members and follow the direction and requests of these people who are making these recommendations. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox, Mayor Butler  
Noes: None

The Mayor and members of the Council expressed appreciation to the Committee for initiating this plan and making these recommendations.

## JOINT HEARING - SCHOOL BOARD - COUNCIL

At 2:00 P.M., a joint public hearing with the Austin Independent School Board and the City Council was held concerning the use of proposed Town Lake tract for High School purposes. Mayor Butler turned the meeting over to the School Board.

Mr. Will Davis, President of the School Board, explained the Austin Independent School District had been studying the acquisition of a new site for the location of a secondary school, high school in the general west Austin Area. Of the sites considered, the Butler tract was found to be more centrally located; would be less disruptive to those people whose land might have to be acquired; is situated near the intersection of Lake Austin Boulevard, West 6th, 5th, and 1st Streets, the proposed Missouri Pacific Exchange and Expressway; has been approved by the School System in public meetings; and a contract has been entered into. Now they were prepared to hold the joint public hearing necessary to meet the requirements of Article 54.21q.

Dr. Jack L. Davidson, Superintendent of Schools, listed the four other sites considered -- the golf course site; the UT Brackenridge site; the Confederate Home site; and the possibility of expanding the present Austin High School site, including part of the Athletic Club and possible use of the Pease Elementary School property. The first three sites were not available to the Schools; and the present High School site would involve a greater expenditure than the purchase of a new site. The plan now is to use the present Austin High School for a career center. The Town Lake site met approval of the Federal Court, and the Attorney General's Office foresaw no objections to the proposed site for the Austin High School. Overcrowded schools across the Colorado River would have access to this location through the Mo-Pac bridge. Dr. Davidson pointed out the accesses, the 50' reserve easement for the public hike and bike trail, a green belt area, play areas, athletic field, and recreation areas.

President Davis, for the purpose of the record, wanted Paragraph 14 of the contract between the City and the School District to be made a part of this record, setting out these reservations: the School District's maintenance, and the exclusive right of the citizens to use any and all recreational facilities on the tract for public purposes except during such time the school would be using them for school or educational purposes.

Discussion was held on an approach off of Lake Austin Boulevard, west of where Mo-Pac crosses Lake Austin Boulevard and approaches the site underneath the Mo-Pac as it crosses the River. Most of this would be on City property.

Mr. Dick Barnt felt this matter had been preconceived, as there was a contract to purchase the site, and determination already made that there were no feasible alternatives. His position was it is too late for the public to be heard.

Mr. Russell Fish, President Austin Environmental Council, stated this Council had worked hard for the retention of Urban open spaces and park areas and had joined forces to protect the flood plain. On this premium park land huge

land fill and buildings are to be placed on a flood plain. He also recalled a Town Lake Plan was submitted, approved by Council, and submitted to the Federal Government for matching funds. This plan includes the area under discussion and the application may be jeopardized by this conflict in the plan. Mr. Fish discussed cost of the present High School location versus that of the Town Lake site, and added to the acquisition costs, the lifting of the land above the flood plain at about \$188,000, and an estimated \$400,000 in providing the accesses, curbs, gutters, bridges, etc., plus the interchange. Additional land will have to be purchased or else the right of way will go through the middle of the Natural Science Center. He estimated an expenditure of \$1,600,000 before the building was even started. He too could not understand why the contracts were already drawn up. In conclusion he stated there are two groups that are going to file an injunction against this transaction.

Mrs. Exalton Delco was unaware of a Town Lake Development Plan and wondered why there was no mention of this earlier.

Mr. M. K. Hage, Jr., discussed the problem in relation to the judicial system, integration, more scholastics, and pointed to the urgency of getting these schools underway.

Mr. Fish volunteered to help find another site for the school.

Mr. Dan Driscoll, Architect, concurred with the estimated costs submitted by Mr. Fish, as he had estimated \$1,109,000 for the filling, to keep the building above the 100-year flood plain and raising the football area to the 25-year flood plain.

Mr. Donald Berman, Chairman of the Regional Group of the Sierra Club, stated at a time when municipalities, states, and the federal government are spending uncounted hundreds of millions of dollars trying to reclaim in the public domain prime recreational areas, it seems unconceivable to take 32 acres of prime, lake front, dedicated park land for many years, in the heart of the City, fill it to the appropriate heights at a cost of \$1,600,000, turn it into a building site, pave most of it for a parking lot accomodating 900 cars, and busses. He referred to the wording of Sec. 114.54, Title 45, Code of Federal Regulations, and Executive Order 11296 of August 10, 1966, "as far as practical avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction". He urged the School Board to go back to the other sites, and that the City void the agreement with the School Board and assist them finding another site. He emphasized if the park land were not there, the School Board would find a site to build a school.

General discussion was held on the various tracts considered.

Mr. Frank Denius, member of the School Board, referring to the maps, stated it was necessary for the location of the High School to be in effect an implementation of the desegregation plan.

Mr. Barnt asked why the School did not exercise the power of eminent domain on the University property, and if it could not, why not.

Mr. John Cavanaugh emphasized the fact that there was very little green belt left with river front; and since the river front is so short and cannot be replaced and since there are other sites, he urged that every possibility to find another tract be exhausted.

Mrs. Jean Bringle was concerned that this meeting was called a hearing due to lack of publicity. She asked if the Schools had checked with the Planning Department or Parks Department before this site was selected regarding the Town Lake Plan. Mr. Davis reported none of the Board knew about the Plan until this morning.

Mr. George Covington suggested delaying decision on this site until the Court decisions were handed down.

Mr. Davis, President of the School Board, noting that all who had wanted to be heard were heard; and now the School Board would take the comments under advisement, act on them, and make a decision following this hearing, and announce the decision.

President Davis, for a matter to be placed in the record, stated the current attendance enrollment for the fall of 1971-72 in all of these high schools has caused overcrowding except Austin-High School and Austin High School is the vehicle by which expanding south across the River is taking part of the Crockett area, that Crockett, Travis, Reagan, McCallum and Lanier can be relieved.

Mayor Butler announced that since the School Board took no action, there was no action that the City Council should take, and the hearing was terminated.

#### ANNOUNCEMENT OF APPOINTMENTS TO BOARDS

Mayor Butler stated the Council had released some names of appointments made to the various boards as follows:

#### PARKS AND RECREATION BOARD

MRS. ALDEN DAVIS, Permanent Chariman-Emeritus, for her diligent services and leadership.  
DR. IRBY CARRUTH, Chairman  
MRS. LEM SCARBROUGH  
MRS. ALEX GUERRA  
MR. ROBERT TIEMAN  
MRS. BARR McCLELLAN  
MR. ROBERT HONTZ  
MRS. BERTHAN MEANS (reappointed)

#### HUMAN RELATIONS COMMISSION

CONNIE MORENO, Chairman

#### PLANNING COMMISSION

MR. BILL MILSTEAD, Chairman

## BOARD OF ADJUSTMENT

DR. ODIE KENDRICK, Alternate

Mayor Butler announced these ten citizens, appointed on these very strategic Boards, go with the best wishes from the Council, and with its appreciation to them for accepting this important community service.

## HEARING - VACATION OF PARKDALE DRIVE

At 11:00 A.M., Mayor Butler opened the hearing on an Ordinance vacating a portion of Parkdale Drive, postponed from October 28th.

Mr. Ritter, in review, stated the presentation made last week indicated the people in this community who know about the zoning situation felt that the street was closed and were surprised when they found out that it was not, and their concern was that the street be closed to preserve the neighborhood integrity, of Ashdale, Parkdale, Clarkdale, Stillwood, and other streets.

Mr. David Mead pointed to the flooding conditions, or the ponding on Parkdale. If this is vacated, they would curb across the surface, break up the non-maintained pavement and bring it to a grade level with their lawns so there would no longer be a stagnation problem. The right of way is 50' by 110'. The property is valued on their tax assessment at .32 per square foot.

Mr. Benjamin Knight referring to the Minutes of the Planning Commission, stated the applicants were willing then to do whatever was necessary to correct several things - a drainage problem, screening the open street or closing the street so that the development would not harm any of the residential property. No drain or storm sewage systems had been installed.

## Opponents

Mr. Phil Mockford pointed out there had been a change in the neighborhood. He showed a picture of a logical connection into the south boundary line of Anderson Lane, connecting it northerly across the tract. This land is already landlocked to the east; there is a 50' drainage easement which would be a barrier to their moving in that direction. This tract is almost 19 acres. If access is denied to the north, they would only have two directions in which they could move. When the land is developed a subdivision plat will be filed; but at this time, they could not put anything through there other than a private drive.

He asked the Council to consider their plans and leave the avenue open to them; otherwise, an access will be cut off. They wanted an opportunity to present some sort of development plan before this access is closed.

Mr. Wallick, Austin Northwest Development Company, stated it was correct there was discussion of his Company's erecting the fence and providing for the drainage at the time the property was developed. They had installed a storm sewer 750' from the back of the homes on the south side of Ashdale to Anderson Lane. Since the credibility of the Company had been challenged, he did want to assure the people that those things would be taken care of.

Mr. Ritter made his rebuttal.

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THAT CERTAIN PORTION OF PARKDALE DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND RETAINING EASEMENTS IN THE CITY FOR PUBLIC UTILITY, WATER, ELECTRIC AND TELEPHONE DOWN-GUY PURPOSES.

Councilman Love moved the Council waive the requirements for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion was seconded by Councilman Handcox, and roll call was as follows:

Ayes: Councilmen Dryden, Love, Handcox, Friedman  
Noes: Councilmen Nichols, Lebermann, Mayor Butler

The Mayor announced that the ordinance passed through its first reading only, not having received five votes.

AMBULANCE ADVISORY COMMITTEE REPORT

Mr. Dick Manning reported the Ambulance Standards Advisory Committee met November 1, at 4:00 P.M., and read their recommendations:

- 1. That the Committee continue its study over many months' period and make recommendations to the City Council for an up-to-date modern ambulance service that could go into operation no later than July 1, 1973; and that proper specifications for modern type emergency vehicles and further training of the necessary personnel be drawn and bids secured in December 1972 or January 1973. The Committee concluded that either the City operate such system with its personnel, or that a private entrepreneur operate the system for the City.

Interim Recommendations

The Committee recommended that a contract be entered into, effective January 10, 1972, extending to June 30, 1973, for ambulance service and that every effort be made for better dispersal of ambulances and ambulances to be located in various sectors.

Also recommended was a requirement for performance bond in the amount of \$25,000 by the successful bidder; that the successful bidder for emergency services be awarded the franchise for transfer services; and that bids be invited in this manner.

Further specifications recommended were that no emergency vehicle (not transfer vehicles) be in excess of three years of age or 50,000 miles.

The Traffic and Transportation Department be the Coordinating Agency of the City.

The Committee believes that an in depth study relating to implementing this project be made, and a supplementary report on funding the project will be made to the Council as soon as information is available.

Dr. Maurice Hood presented slides showing new type of modular emergency vehicles, manned with specially trained personnel; and equipment to enable communication to a central reporting unit. Emergency equipment is available as in the intensive care units. Electrocardiograms could be taken and relayed by telementry to the Hospital and observed by the Physicians no matter how many miles away.

Dr. Hood discussed costs, stating emergency vehicles fully equipped would cost about \$15,000. Using experience of another city, he said the cost would be \$653,000; the cost per run to the tax payer - \$22.10; and cost of having emergency medical care of this quality available to the citizens is 76¢ a year, or about \$3.50 annually per family. Costs should be borne partly by the City, partly by the state, and by Federal funds.

Councilman Nichols moved that bids be recieved until December 8, 1971, for this interim service which the Council has been discussing, extending to June 30, 1973, predicated on this recommendation. Councilman Nichols clarified his motion, stating he wanted the interim recommendation to be part of the motion regarding the bids the Council will open on the 8th of December, 1971.

Mr. Conwell Smith stated should the City desire this special type of ambulance discussed, he would be pleased to include at least three of those in their fleet to begin by January 10th.

At Councilman Dryden's request, Mayor Butler restated the motion as to follow the recommendation of the ambulance committee, to bid the service for an 18 months period; and during this period the Council would study other methods towards long range planning, and new equipment and on other items; but on an interim basis, the Council would open sealed bids on December 8th on a contract to supply ambulance service for the next 18 months; and within one year it would be bid again.

Councilman Dryden expressed concern that there might be some obligation to the Austin Ambulance Service, and he did not want to leave on with many dollars' worth of equipment out, so far as the contract within the next few months in concerned. He solicited Mr. Conwell Smith and each of the other companies to submit a bid.

Councilman Nichols' motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler  
Noes: None

Mayor Butler announced this would solve the dilemma by negotiating with a given ambulance company as the City has done with other City services - parking lot operations, various concessions, etc. The Mayor stated this will put the ambulance in the same category in that it would be open to any and all qualified bidders.

Councilman Dryden expressed hope that there would be bids from citizens of Austin rather than syndicates from other towns.

#### PROPOSAL - LAW ENFORCEMENT STUDY - NEXT WEEK

Dr. William Hazard will present his proposal for a Law Enforcement Planning Study by Southwest Institute for Planning and Sociometrics at the meeting on November 11th, at Murchison Junior High School.

#### PARADE PERMIT

Councilman Nichols moved the Council approve the application for a parade permit by Jose Pena for a University of Texas Pep Rally on November 12, 1971 - 6:45 P.M. to 7:30 P.M. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,  
Mayor Butler

Noes: None

Not in Council Room when Roll was called: Councilman Love

#### ITEM OF LEGAL COUNCIL FOR POLICE - POSTPONED

The Council postponed until the following Thursday the item about hiring Legal Counsel for the Police Department. Councilman Nichols read the motion that he would submit then.

#### DECKER LAKE ITEM POSTPONED

Councilman Dryden moved the Council postpone the item of the Decker Lake Spillway repair. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler

Noes: None

#### S.M.C. REQUEST

Mr. James Burfiend had requested to appear before the Council, but was not present. Miss Elizabeth Cox, Student Mobilization Committee, spoke on happenings in Killeen, and asked the Council to wire the City Council of Killeen protesting the violation of the constitutional rights of protest, and demand that the charges be dropped. Miss Cox did not have the request from Mr. Burfiend. It was pointed out there was another issue before the Council on the Agenda and Miss Cox seemed to be out of order. Councilman Lebermann stated the action of the Killeen City Council would in no way establish a precedent for Austin. The Council took no action.

ADJOURNMENT

The Council adjourned at 7:15 P.M.

APPROVED: Ray Butler  
Mayor

ATTEST: Elin Woolley  
City Clerk